

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (GBD) (SN) ECF Case
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This document relates to:

Ashton et al. v. al Qaeda Islamic Army, et al., 02-cv-6977 (GBD)(SN) (and member case
Burlingame v. Bin Laden, et al., 02-cv-7230 (GBD)(SN))

**[PROPOSED] ORDER FOR THE ENTRY OF PARTIAL
FINAL JUDGMENTS AGAINST THE TALIBAN AND
MUHAMMAD OMAR ON BEHALF OF CERTAIN *BURLINGAME* PLAINTIFFS**

Upon consideration of the evidence and arguments submitted by the Personal Representatives of the Estates of Joseph D. Dickey, Robert D. Eaton, James J. Kelly, Timothy M. O'Brien, Michael H. Seaman, Robert F. Sliwak, John Wallice, Jr. and Farrell Lynch (set forth in the Declaration of John F. Schutty, Esq. and the exhibits thereto), regarding their wrongful death claims (the Plaintiffs named herein are *Ashton/Burlingame* parties to the above-captioned litigation), and in light of the Judgment by Default for liability against defendants the Taliban and Muhammed Omar entered on May 12, 2006 (ECF No. 1797), together with the entire record in this case, and in addition to the prior default judgment award for compensatory damages for the pre-death conscious pain and suffering of the decedents Joseph D. Dickey, Robert D. Eaton, James J. Kelly, Timothy M. O'Brien, Michael H. Seaman, Robert F. Sliwak, John Wallice, Jr. and Farrell Lynch, (*see* ECF Nos. 3226, 3229) and the economic losses and solatium damages previously awarded herein to these Plaintiffs under this Court's Order of December 17, 2019 (ECF#5376) awarding damages against the Defendant Islamic Republic of Iran, it is hereby;

ORDERED that partial final judgment is entered on behalf of the *Ashton (Burlingame)*

Plaintiffs identified in the attached Exhibit A (Exhibit I to the Schutty Declaration) against the Taliban and Muhammad Omar; and it is

ORDERED that the *Ashton* Plaintiffs identified in the attached Exhibit A are awarded economic damages as set forth in Exhibit A; and it is

ORDERED that the *Ashton* Plaintiffs identified in the attached Exhibit A are awarded *solatium* damages as set forth in Exhibit A; and it is

ORDERED that the *Ashton* Plaintiffs identified in the attached Exhibit A are awarded \$2 million for the conscious pain and suffering of their decedent as set forth in Exhibit A; and it is

ORDERED that prejudgment interest on those awards is to be calculated at the rate of 4.96 percent per annum, compounded annually for the period from September 11, 2001 until the date of the judgment; and it is

ORDERED that the *Ashton* Plaintiffs identified in the attached Exhibit A may submit a future application for punitive damages (and/or treble damages) consistent with any future rulings of this Court; and it is **ORDERED** that the *Ashton* Plaintiffs not appearing on Exhibit A who were not previously awarded *solatium* and/or economic damages may submit applications in later stages and they will be approved on the same basis as currently approved for those Plaintiffs appearing on Exhibit A.

Furthermore, the Court respectfully directs the Clerk of the Court to terminate the Motion at MDL ECF No. 7678 (and prior replaced motions – 7577 and 7617).

Dated: New York, New York
_____, ___, 2022

SO ORDERED:

GEORGE B. DANIELS
UNITED STATES DISTRICT COURT JUDGE